

REMARKS

I. Status of the Claims

First, Applicant thanks the Examiner for the thorough examination. Claims 1-5 and 7-27 are currently pending in the application. In the Office Action mailed September 26, 2007, all claims 1-27 were rejected. Claims 1-2, 7, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kemp (US 2002/0099644). Claims 3-6, 12-15, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp in view of Kane (US 6,317,728). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp in view of Barclay (US 6,850,555). Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp in view of Kane and further in view of Wolfberg (US 4,885,685). While Applicant respectfully traverses these rejections for at least the reasons stated below, Applicant has amended claims 1-3, 5, 7-12, and 15 to focus on a particular embodiment and to expedite the prosecution of this case to an allowance. No new matter was added. Dependent claim 6 is cancelled without prejudice.

II. Claim Rejections

Independent claims 1 and 15

Claim 1 is amended to include establishing "...a static value axis that comprises a plurality of net change value levels, wherein the plurality of net change value levels are based on the net change value...." The "net change value" is computed based on a "...first value at a first time and a second value at a second time...." Then, indicators representing the highest bid price and the lowest ask price currently available in the market are displayed in relation to this "static value axis." A trade order is sent using this particular display.

Before the amendment, the Office contended that Kemp discloses each and every feature of claim 1. However, Applicant will not address this specific contention at this time, and reserves the right to do so in the future, but will rather focus on the amended features of claim 1 that the Office states are missing from Kemp. Particularly, with respect to Applicant's dependent claim 5, which was rejected under 35 U.S.C. 103, the Office stated that Kemp does not disclose the net change features that are now

similarly called for in Applicant's amended claim 1. The Office turned to Kane (US 6,317,728) in making that rejection as disclosing a delta value (see Kane's Fig. 19), and contended that Kemp and Kane together disclose the claimed invention. Applicant respectfully traverses this contention.

The Kane reference, and in particular Kane's Fig. 19, discloses the use of a single delta value for the IBM market. So, for example, according to Kane's Fig. 19, a row is dedicated to displaying things like the best bid price, the best ask price, the high, the low, volume, delta, bid size, and ask size for the IBM market. Kane does not disclose establishing a static value axis that comprises "a plurality of net change value levels" against which current bid and offer indicators are displayed, such as called for in Applicant's claim 1. Additionally, Kemp does not disclose or suggest displaying bid and offer indicators in relation to a static axis comprising the specific net change derivation called for in Applicant's amended claim 1. Particularly, amended claim 1 calls for "computing a net change value" and "establishing a static value axis" that comprises a plurality of net change value levels, which are "based on the net change value." As such, Applicant respectfully submits that not only would the combination not result in Applicant's claimed invention, but it would not be obvious to modify Kemp based on Kane to arrive at Applicant's presently claimed invention.

Amended independent claim 15 does not include a static value axis like Applicant's independent claim 1, but calls for "calculating a plurality of price derivative values, wherein each of the plurality of price derivative values represents a change between a first number at a first point in time and at a second number at a second point in time" and displaying a first and second indicator relative to these "price derivative values." Particularly, claim 15 recites, "...wherein the first indicator moves relative to the plurality of price derivative values when the highest bid price changes...; and ... wherein the second indicator moves relative to the plurality of price derivative values when the lowest ask price changes." As such, claim 15 distinguishes over the cited art for at least the reason that Kemp/Kane does not disclose or teach the computation of a "plurality of price derivative values" like those called for in claim 15, in addition to displaying the first and second indicators in relation to these price derivative values.

Dependent claims 2-5, 7-14, and 16-27

Dependent claims 2-5, 7-14, and 16-27 are also rejected. Applicant traverses these rejections too, and reserves the right to address the Office's contentions with respect to these dependent claims in the future, if the need so arises. However, these claims depend from independent claim 1 or independent claim 15 and are patentable for

at least the reasons that claims 1/15 are patentable over the cited art, in addition to their own separate reasons.

III. Conclusion

Applicant respectfully submits that pending claims 1-5 and 7-27 are patentable over the cited art. Accordingly, each of these claims is in condition for allowance. Applicant respectfully requests favorable reconsideration. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Trading Technologies Patent Counsel Mark Triplett at 312-476-1151, or the undersigned attorney or agent.

Respectfully submitted,

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